MUNICIPAL LAND OCCUPATION BY UTILITIES AND PRIVATE SECTOR POLICY (“Road Occupancy Permit Policy”)

All utilities, agencies, service contractors, private individuals, developers, persons, or other entities (“telecommunications entity”) desiring to excavate, remove, alter, install, or otherwise disturb the existing lands or improvements thereon within Municipal Road allowances or properties for the purpose in installing telecommunications infrastructure shall do so in accordance with this policy.

1. General

a) This policy relates only to telecommunications entities. “Telecommunication facility”, "telecommunication service” and “telecommunication service provider” have the same meaning as in the Federal Telecommunication Act.
    1. For the purposes of this document facilitating the provision of ‘telecommunication services’ pertains to the use of or access to any part of a distribution system, including distribution poles owned by a licensed distributor, if the use or access is,
        i. for the purpose of providing or facilitating the provision of telecommunications services, and
        ii. by a telecommunications service provider or by any other person or entity that needs the use or access in order to attach wires, cables or any other telecommunications facility, not including a wireless attachment, for a purpose specified in subparagraph i. is defined as any project that’s purpose is to improve or expand broadband service delivery.
    2. Development of any part of a distribution system, including distribution poles owned by a licensed distributor, if the development is for the purpose of providing for or otherwise enabling telecommunication infrastructure use.
b) A Roadway Occupation Permit may be cancelled at any time for a breach of regulations or conditions of the permit or for such other reasons as the Municipality in its discretion deems proper.
c) If during the term of the Permit any Acts are passed or Regulations adopted which affect the rights and privileges herein granted, the said Acts and Regulations shall be applicable to this permit from the date on which they come into force.

2. Application Procedure:

2.1 All telecommunications entities will apply for a Road Occupancy Permit prior to commencement of any work. No work is to commence prior to receipt of Municipal approval, except for emergency work in accordance with this policy.

d) The Applicant shall complete the Permit application per location. The electronic form is returned to the Municipality for assigning Permit No., comments, and approval signature. Applicant will be emailed a copy of the approved form along with a "Release of Liability" form.
e) The Application must include complete details for the Applicant's primary representative and any Contractor or Sub-Contractor(s).
f) Any changes to the design or specifications contained in a Road Occupancy Permit will require the Applicant to submit an Application to the Municipality and receipt of the Municipality's written approval prior to implementing the changes.
a) All work placed in conjunction with the Emergency Permit shall be maintained and guaranteed by the Applicant for a period of ninety (90) days from the date of commencing of the work (temporary repair), or one (1) year from completion of permanent repairs whichever is longer. If a temporary repair has not been upgraded to a permanent repair within the ninety-day period, the Municipality shall authorize the work to be done by others and the Applicant invoiced for costs incurred.
b) Prior to permit approval, the Municipality will determine based on scope of work and or impacts to municipal infrastructure if the applicant shall post with the Municipality, securities, in a form acceptable to the Municipal Treasurer, in an amount which represents all cost of the restoration. A reduction in securities can be requested as part of the Initial Acceptance associated with the permit process for which these Works are being carried out.
c) At any time during the guarantee periods, the Municipality shall have the authority to advise the Applicant that the repair is or has become substandard and appropriate action be taken as directed by the Superintendent or Municipal designate.
d) Where an Applicant or contractor has previously demonstrated and inability or refusal to perform work in accordance with the terms detailed in this Policy, the Municipality may refuse to issue further permits to that Applicant for a period of time determined by the Municipality.

2.2 Applications for <30km

a) The Application must be on approved Municipal forms and submitted to the Municipality at least ten (10) working days prior to the commencement of the work.
b) The Applicant shall submit the following with the Application:
    i. The required fee;
    ii. A Traffic Control Plan in compliance with the Ontario Traffic Manual, Book 7 Temporary Conditions; and
    iii. A copy of Public Liability Insurance Certificate (minimum $5,000,000) with the Municipality listed as an additional insured along with the Municipal Land Occupation Application.
c) Complete applications must be accompanied by detailed electronic drawings in the form of high-resolution pdf files. For underground installations, a plan and profile drawings must be submitted for all works within the Municipal Road allowance. All drawings must show measurements from centerline of road to planned works' distance, from road allowance property limit to works, and distance of installation from edge of roadway pavement, if applicable. Inclusion of all known underground infrastructure in the corridor in question, using transparent grey (“ghosting”), shall appear on plans to provide offset and depth context. Barring pre-existing plans to leverage ghosting information, all final redline project document submissions should derive the information from the utility and communication locate services information.

2.3 Applications for >30km (Omnibus Approvals)

a) The Application must be on approved Municipal forms and submitted to the Municipality at least fifteen (15) working days prior to the commencement of the work.
b) The Applicant shall submit the following with the Application:
    i. The required fee;
    ii. A description of the work and primary installation method, including sample drawings;
    iii. A Traffic Control Plan in compliance with the Ontario Traffic Manual, Book 7 Temporary Condition; and
    iv. A copy of Public Liability Insurance Certificate (minimum $5,000,000) with the Municipality listed as an additional insured.
c) The Municipality will require detailed electronic GIS files for all proposed segments.
d) Any reasonable anticipated additional engineering or consultation costs to the Municipality for reviewing larger projects for which the Municipality expects to recover costs from the Applicant will be provided in advance for the approval by the Applicant. The Municipality may reject large-scale applications that do not cover additional engineering or consultation costs.

3. Timing of Work:

g) All regular work, of a non-emergency kind, is to be completed before the winter season begins and prior to and post half load restrictions. No non-emergency work will be authorized during the winter season. Outstanding Permits will be suspended for the winter season and reinstated in the spring season after the removal of half load restrictions.
h) The winter season begins on or about the advent of permanent ground frost, on November 1st. The winter season ends when no permanent ground frost is present in the proposed work area. The start and end of the winter season will be determined by the Municipality on a year-to-year basis.
i) Emergency work during the winter season will require an application for an Emergency Permit.
j) Where emergency work is undertaken, the Municipality shall be notified immediately on the next working day through written correspondence. An application form will be submitted that covers the emergency work and an Emergency Permit will be issued if appropriate.
k) The holder of the permit must notify the Municipality forty-eight (48) hours prior to commencement of the authorized works.
l) Permits may not be assigned or transferred.
m) All Applicants must comply with the Municipality's current tree protection protocols.

4. Installation Procedures:

a) Installation methods for telecommunication utilities in the right-of-way may include directional boring, trenching, auguring, jack and boring, or plowing.
b) The minimum depth of bury below original ground elevation to the top of new underground installations anywhere within the Municipality shall be 600 millimeters (mm) and all utilities be located 1m from the property line. On soft shoulder roads where plowing is the Applicant's desired and most effective method of installation, Municipal consent may be granted on a case-by-case basis for a lower minimum depth of bury and for permitting occupancy in the shoulder. For any such exceptions, the Applicant is responsible for 100% of any and all damages or necessary relocation costs at the Municipalities sole discretion. A detailed installation specification package is available to contractors for reference.
c) In urban settings, as determined by the Municipality, installations must maintain a minimum of 2m from fire hydrants and maintenance access holes.

d) Installations at roadway drainage culverts or storm drain systems shall be a minimum of 1m below the invert of culvert or storm drainpipe or 3m horizontally from the end of the culvert or storm drainpipe.
e) The Applicant shall make every effort to locate the installation as close as possible to the road allowance property limit of 1 meter unless conditions dictate otherwise.
f) The Applicant shall be responsible for obtaining all applicable utility locates prior to excavation commencement. The Applicant or the Contractor shall be liable for any damages to such utilities.
g) Trees, shrubs, and other vegetation on the right-of-way must not be cut or trimmed without the prior written permission of the Municipality and such cutting or trimming may only be done under the direct supervision of the Municipality or it's duly authorized agent. Where it is necessary to cut or trim trees on the property adjacent to a highway, the Applicant must make the necessary arrangements with the property owner(s) and bear all expenses in connection therewith, including damages occasioned because of such cutting or trimming.
h) Wherever required by other Municipal bylaws, the Applicant must ensure that appropriate and required tree protection methods are employed such as hording and staked drip line protection. Failure to protect trees will result in revoking of any and all permits.
i) For installation Under Municipal Roads,
    a. The Municipality's preferred method of roadway crossing is by either auguring, jack & boring, or push-pull method. Open cut of the roadway is to be considered as a last resort method only after efforts using the above methods have been exhausted. No vibrating probes or "torpedoes" will be used for road crossings unless specifically approved by the Municipality.
    b. Where the roadway crossing is proposed to be augured, jack and bored, or push-pull method, the following conditions shall apply:
        - The installation must be at least 1.5m in depth under the road surface and 1.0m below design grade of ditch if present.
        - Bore hole soil support liquids of correct consistency for soil type shall be used where appropriate to help prevent bore hole settling.
        - The top of the access hole excavations on either side of the roadway shall not come within 1m of the edge of pavement, curb, gutter, subdrain, or sidewalk.
        - All installations shall be encased within a rigid conduit of sufficient size to accommodate planned works as well as possible future plant installations.
        - Augured, jack and bored, or push-pull installations shall be lined with a rigid conduit having a diameter of no less than 75% of the hole cross section, at any point, to help prevent collapse or settlement.

- Where there is sufficient right of way and offset, wherever possible encasement conduits shall extend a minimum of 3m beyond the edge of pavement, curb, gutter, subdrain or sidewalk.

c. Where the roadway crossing must be open cut, the following conditions shall apply:
    - Installed conduit or pipe shall be incased within a rigid conduit of sufficient size to accommodate present works as well as possible future plant installations.
    - Where the buried product occupies a cross-sectional space of more than 200cm sq and is within 1.5m of the surface of the road, or where the excavated material is not suitable for backfill, or where the Municipality determines the road quality warrants full subgrade restoration, a “Frost Taper” shall be installed in accordance with the relevant OPSS that is provided to the applicant by the municipality.
    - Excavated material, if suitable, shall be taken from the trench and differing material types encountered shall be separated such that these materials can be placed back in the trench as originally excavated, with compaction performed in maximum 0.3m lifts to granular subgrade elevation.
    - Granular materials placed on top of the backfill material shall be at least the same depth as originally encountered or 15cm whichever is greater and shall be fully compacted to a minimum 95% Proctor density.

j) The Applicant will indemnify the municipality for any damages and costs incurred by others resulting from installations found to be in non-conformance with these installation requirements.

5. Traffic Control

The Applicant and contractor shall be responsible to regulate traffic with approved signs, flag persons, markers, barricades, fences, flashing lights, etc. as is deemed applicable to the nature of the work involved and shall follow the Ministry of Transportation of Ontario's “Traffic Control Manual for Roadway Work Operations” and "Manual of Uniform Traffic Control Devices”, latest editions. No equipment, earth or aggregate materials shall be placed in a manner that does not pose a risk to or obstruct the flow, or visibility of pedestrian or vehicle traffic. Open cuts are to be fully fenced and barricaded including flashing lights if left overnight. No open cuts are to be left open over weekend or statutory holiday periods.

6. Reinstatement and Restoration

It is understood that when an Applicant proceeds with installing, adjusting, or removing vegetation from Municipality property, the Applicant is sufficiently prepared to comply

with all the requirements of restoration. All work is to be done in an expedient, professional manner, with courtesy and the least possible delay or inconvenience to the public. Respect, care and due-diligence should be shown for other utilities and hard services already in place.

6.1 Guarantee Periods

e) All work placed in conjunction with the Emergency Permit shall be maintained and guaranteed by the Applicant for a period of one (1) year from the date of commencing of the work (temporary repair), or two (2) year from completion of permanent repairs whichever is longer. If a temporary repair has not been upgraded to a permanent repair within the ninety-day period, the Municipality shall authorize the work to be done by others and the Applicant invoiced for costs incurred.
f) At any time during the guarantee periods, the Municipality shall have the authority to advise the Applicant that the repair is or has become substandard and appropriate action be taken as directed by the Superintendent or Municipal designate.

6.2 Class of Restoration

The Municipality acknowledges that varying qualities of roadways exist in the road network. Regardless of road quality, if any damages occur during the Work, all costs associated with repair will be the sole responsibility of the applicant. The extent of roadway restoration required will be informed by the quality of the roadway, as directed by the Municipality as indicated by the following classes of roadway:

a) Class “A” – No known impact is expected on the adjacent roadway. Due care is to be taken when moving construction equipment over the surface.
b) Class “B” – The roadbed material is of a generally unknown nature and the open cut area, if required, is to be backfilled and thoroughly compacted with native materials. Granular materials shall be reinstated to equal depths as originally encountered.
c) Class “C” – The roadway is hard topped with bituminous material of generally poor quality. Subsurface shall be treated as per “B” above and pavement restored with a minimum of 150mm of similar or better-quality bituminous pavement material. Edges of new material may be feathered to match existing pavement surface. An approved asphalt “tack coat” shall be applied to the existing bituminous surface consisting of SS-1 asphalt emulsion diluted with an equal volume of water and shall be applied at a rate of 0.35 kg/sqm. The minimum allowable width of tack coat application across the roadway surface shall be 0.6m.

d) Class “D” – The roadway is hard topped with good quality bituminous asphalt surface contour. The nature of traffic, subsoil and roadway crossing will determine the subgrade restoration. Asphalt pavement will be restored with similar depth of hot- mix pavement with either a saw cut, burned, or roto-milled match joint at both sides of the road cut as determined by the Municipality. The new vertical cut asphalt face shall receive a tack coat applications of SS-1 emulsified asphalt immediately prior to placement of new hot-mix asphalt. Asphalt compaction shall be a minimum of 95% Proctor density.
e) Class “E” – The roadway is in good shape and is less than five years old from date of construction. No road cuts will be allowed except for emergency purposes or where evidence can be shown to prove necessity. Class “D” repair will be used.

6.3 Temporary Reinstatement (of Road Surface)

Where required, temporary reinstatement shall take place immediately upon completion of the work. This reinstatement shall be no less than reasonable compaction of native soil backfill material, 15cm of salvaged non-contaminated or new granular A crushed gravel; and 8cm cold mix or hot-mix HL4 asphalt pavement rolled in place. No condition shall be left unattended or unmarked that constitutes a hazard to traffic. Where such temporary reinstatement is proving satisfactory to traffic flow, it shall be left for no less than one month and no more than one year before being permanently reinstated. Road cuts in bituminous paved roads shall not remain in a gravel surface condition for more than five (5) working days from completion of initial works until bituminous material is placed in road cut.

6.4 Permanent Reinstatement (for Road Surface)

Except where it is necessary to effect temporary reinstatement of the road, all restoration work in connection with the application shall be done in an efficient, proper manner to leave the site in as good a condition as found. Restoration shall include the following:

a) Grass shall be replaced by Number 1 nursery sod.
b) Other grassy vegetation shall be restored with 10cm minimum screened topsoil, fertilized and seeded, mulched, or hydroseeded of sufficient quantity and quality to anticipated possible erosion which, should it occur, shall be required.
c) Curb, gutter, and sidewalk that is removed or damaged shall be replaced with new, similar style product from the nearest saw cut or expansion joint in the original product.
d) Pavement shall be reinstated permanently with an equal thickness of original material or 6cm compacted whichever is greater using HL4 hot-mix bituminous pavement. Pavement patch is to be matched with a diagonal saw cut joint, roto-milled joint, propane burned joint, or feathered asphalt joint as specified by the Municipality. A tack coat consisting of SS-1 (Colas) emulsified asphalt shall be

applied to all existing asphalt surface where new asphalt pavement patch is to make contact. Such tack coat will be of sufficient size to afford complete bonding of new asphalt to existing asphalt surfaces. Pavement patch depth shall not be less than 6 cm on each edge abutting stable pavement that was pre-existing to the permitted work.

e) Excavated materials for backfill purposes, if suitable, shall be compacted back in place up to bottom of granular or topsoil grades. All compactions shall attain a minimum of 95% Proctor density. Where the buried product occupies a cross-sectional space of more than 200 cm and is within 1.5 m of the surface of the road, or where the excavated material is not suitable for backfill and where the Municipality determines the road quality warrants full subgrade restoration, a "Frost Taper" shall be installed in accordance with OPSS that is provided to the applicant by the municipality.

6.5 Trench Settlement Repairs For 12-Month Maintenance Period

If during the 12-month period following a permanent reinstatement of asphalt surface, and the Applicant has requested final release of liability and it is found that minor settlement of the road cut has occurred, the Municipality or its authorized agent will engage the use of an asphalt surface repair that is deemed acceptable to the municipality prior to the release being granted. All costs for labour, equipment, and material to perform this repair work will be invoiced to the Applicant. Once the invoice has been paid, the Municipality will sign-off the "Release of Liability" form for the said roadway cut. If the Applicant chooses to affect its own further repair to the cut, an additional 12-month maintenance period will be implemented prior to the Municipality providing a Release of Liability.

Should excessive settlement occur to the road cut within one year of permanent restoration having been done, the Municipality will notify the Applicant that the road cut must be re-excavated, backfilled, and surface restored, all at the expense of the Applicant. The maintenance period will be extended for a further 12-month period following permanent restoration of the settlement repair works.

7. Temporary Occupation of a Sidewalk

7.1 Occupation of a sidewalk includes the following:

a) Working from ladders.
b) Erecting scaffolding to perform construction and or maintenance.
c) Repairing or modifying a sidewalk.
d) Working from sidewalk to perform any type of maintenance.

7.2 All work to be performed shall follow Book 7 temporary conditions of the Ontario traffic control manual. Safe Passage will be always granted for pedestrian traffic. At least one panel width of sidewalk will be granted to provide all types of pedestrian traffic. All pedestrian accommodations shall be in compliance with the *Accessibility for Ontarians with Disabilities Act*

8. Release

a) The Municipality is to be advised, in the manner as dictated by the Municipality, of completion of the temporary and/or permanent installation.
b) Upon receiving notice of completion, the Municipality will arrange a final inspection. No field inspections of work sites will be performed by the Municipality between December 1st to May 1st for Release of Liability purposes and as such no releases will be granted during this period.
c) The Applicant must file with the Municipality an "Application for Release of Liability" form. The form shall be completed by the Applicant and returned in its entirety to the Municipality office. This Application may be submitted only after the permanent restoration has been completed. The Municipality will inspect the works and make any comments as to further works required, establish the length of guarantee period, and issue a statement of liability release.
d) If the works involved were installed underground, "AS-BUILT" detailed drawings complete with location measurements and the matching GIS file (in KMZ or SHP format) must be submitted to obtain liability release signature.

9. Indemnity and Insurance

9.1 The Applicant and contactor will undertake, covenant and agree to indemnify and save harmless the Municipality, its directors, officers, elected officials, employees, agents, contractors and those for whom it is in law responsible (the "Released Parties"), from and against any demand or claims for loss, costs, damages and/or compensation and legal expenses the Released Parties may incur as the direct or indirect result of the permission granted in the Road Occupancy Permit or for which they may be liable by reason of anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.

9.2 Without limiting the generality of the foregoing, it is acknowledged and agreed that the indemnity shall include any legal and investigation expenses incurred in defending any claim against the Released Parties related to the Installation or the Licenced Lands.

9.3 The Applicant and contractor shall be required to obtain and maintain, at their own expense, general comprehensive liability insurance naming the Municipality as an additional insured (without liability for premiums) in an amount not less than five million ($5,000,000.00) dollars per occurrence – including but not limited to bodily injury including death, personal injury, property damage including loss of use thereof, contractual liability, tenants' legal liability, non-owned automobile liability and owner's contractors' protective insurance coverage with respect to the Premise and the business operations conducted by the Tenant and any other person on the Premise for whom the Tenant is responsibility for in law The insurance policy shall contain a cross liability, severability of insured clause and shall name the Municipality as an additional insured.

9.4 Without limiting the generality of the foregoing, the policy shall contain a thirty (30) day prior written notice to the Municipality of cancellation clause and cover all obligations of the Applicant and contractors pursuant to this Agreement. The Applicant and contractors shall provide a Certificate of Insurance confirming that proper insurance coverage is in place. The Municipality's receipt of, or an omission to request, the said insurance policy does not constitute acceptance of the terms of the insurance policy.

The Applicant shall be responsible to ensure that the contractor or his employees are adequately covered by Worker's Compensation and other insurance coverage as is appropriate or directed by the Municipality.